

KIESEL BOUCHER LARSON LLP  
PAUL R. KIESEL (SBN 119854)  
8648 Wilshire Boulevard  
Beverly Hills, California 90211  
Telephone: (310) 854-4444  
Facsimile: (310) 854-0812  
kiesel@kbla.com

HORWITZ, HORWITZ  
& PARADIS, Attorneys At Law  
PAUL O. PARADIS  
28 West 44th Street – 16th Flr.  
New York, NY 10036  
Telephone: (212) 404-2200  
Facsimile: (212) 404-2226  
pparadis@hhplawny.com

Attorneys for Plaintiff Steven Nakash  
[Additional counsel appear on signature pages]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

**The NVIDIA GPU Litigation**

Case No. C 08-04312 JW

CLASS ACTION

**PROPOSED INTERIM CLASS COUNSEL’S  
RESPONSE TO PLAINTIFF DECKER’S  
MOTION FOR RECONSIDERATION OF  
ORDER DENYING REQUEST TO FIND  
DECKER ACTION UNRELATED  
(DOCKET NO. 92).**

1 Proposed Interim Co-Lead Counsel, on behalf of the putative plaintiff class, responds to  
 2 Plaintiff Decker's Motion For Reconsideration of Order Denying Request to Find Decker Action  
 3 Unrelated (Docket No. 92).

4 **1. The *Decker* And *Nygren* Actions Concern Substantially The Same Parties**  
 5 **And Factual Allegations**

6 Proposed Interim Class Counsel agrees the *Decker* and *Nygren* actions are related. In her  
 7 motion, Plaintiff Decker describes how her case is completely unrelated to the NVIDIA GPU  
 8 Litigation. In contrast, the asserted claims by all other Plaintiffs in The NVIDIA GPU Litigation  
 9 arise from NVIDIA's design, manufacture and sale of defective graphics chips or GPUs.  
 10 Plaintiff Decker properly states:

11 it appears that the *Decker* Action and the *Nygren* Action – which is not  
 12 consolidated with the NVIDIA GPU Litigation – are far more similar to each  
 other in terms of the factual allegations than the Decker Action has to the  
 NVIDIA GPU Litigation.

13 *Id.* Proposed Interim Class Counsel submits Plaintiff Decker has accurately described how  
 14 atypical its claims are to those asserted by all Plaintiffs in the NVIDIA GPU Litigation, and the  
 15 similarities between the *Decker* and *Nygren* actions.

16 **2. The NVIDIA GPU Litigation Does Not Concern Defective HP**  
 17 **Wireless Cards**

18 To the extent The NVIDIA GPU Litigation pleadings make passing reference to wireless  
 19 problems or issues with HP laptops, these allegations serve only to incorporate the entirety of  
 20 press releases or generally are from media releases or reports that were quoted in their entirety  
 21 for accuracy and completeness. Proposed Interim Co-Lead Counsel have consulted with counsel  
 22 to the consolidated NVIDIA GPU Litigation cases and agree if Decker is removed from this  
 23 consolidated action, a structure is appointed and a consolidated amended complaint is filed, the  
 24 operative pleading will allege only claims arising from NVIDIA's design, manufacture and sale  
 25 of defective NVIDIA GPUs (which affect many computers across brands, makes and models).

The consolidated amended complaint will not allege claims arising from HP's laptop computers equipped with defective wireless communication cards.

**3. Conclusion**

For these reasons, the Court should grant Plaintiff Decker's Motion For Reconsideration of Order Denying Request to Find Decker Action Unrelated (Docket No. 92).

Dated: March 27, 2009

/s/ Paul R. Kiesel

Paul R. Kiesel  
KIESEL BOUCHER & LARSON LLP  
8648 Wilshire Boulevard  
Beverly Hills, CA 90211  
310-854-4444  
310-854-0812

/s/ Paul O. Paradis

Paul O. Paradis  
HORWITZ HORWITZ & PARADIS,  
ATTORNEYS AT LAW  
28 West 44th Street  
16th Floor  
New York , NY 10036  
212-404-2200  
212-404-2226

Brant C. Martin  
WICK PHILLIPS, LLP  
2100 Ross Avenue  
Suite 950  
Dallas , TX 75201  
214-692-6200  
214-692-6255

James V. Bashian  
THE LAW OFFICES of  
JAMES V. BASHIAN, P.C.  
500 Fifth Avenue, Suite 2700  
New York , NY 10110  
212-921-4110  
212-921-4249

Robert B. Weiser  
THE WEISER LAW FIRM, P.C.  
121 N. Wayne Avenue, Suite 100

Wayne , PA 19087  
610-225-2616  
610-225-2678

For Plaintiff Nakash

/s/ William J. Doyle, II  
William J. Doyle, II  
John A. Lowther, IV  
DOYLE LOWTHER LLP  
9466 Black Mountain Road  
Suite 210  
San Diego, CA 92126  
619-573-1700  
619-573-1701

Nicholas Koluncich , III  
LAW OFFICES OF  
NICHOLAS KOLUNCICH , III  
6501 Americas Parkway NE  
One Park Square - Suite 620  
Albuquerque, NM 87110  
619-227-7486  
505-881-4288

For Plaintiff Inicom Networks, Inc.

/s/ Jeff Westerman  
Jeff S. Westerman  
Sabrina S. Kim  
MILBERG LLP  
One California Plaza  
300 S. Grand Avenue, Suite 3900  
Los Angeles, CA 90071  
Telephone: (213) 617-1200  
Facsimile: (213) 617-1975

- and-

Peter Safirstein  
Jennifer S. Czeisler  
Roland Riggs  
One Pennsylvania Avenue  
New York, NY 10119  
Telephone: 212-594-5300  
Facsimile: 212-868-1229

1 Stephen A. Weiss  
Jonathan Shub  
2 Seeger Weiss LLP  
One William Street – Suite 1380  
3 New York, New York 10004

4 Michael J. Boni  
BONI & ZACK LLC  
5 15 St. Asaphs Rd.  
Bala Cynwyd, PA 19004  
6 Telephone: (610) 822-0201  
Facsimile: (610) 822-0206  
7

8 For Plaintiff Todd Feinstein

9 /s/ Ralph M. Stone  
Ralph M. Stone (pro hac vice)  
10 SHALOV STONE BONNER  
& ROCCO LLP  
11 rstone@lawssb.com  
Thomas G. Ciarlone, Jr.  
12 tciarlone@lawssb.com  
485 Seventh Avenue, Suite 1000  
13 New York, NY 10018  
Tel: (212) 239-4340  
14 Fax: (212) 239-4310

15 Ira P. Rothken (SBN160029)  
ROTHKEN LAW FIRM  
16 3 Hamilton Landing, Ste 280  
Novato, CA 94949  
17 Tel: (415) 924-4250  
Fax: (415) 924-2905  
18

19 Attorneys for Plaintiffs JORDAN CORMIER,  
LANCE WAIDZUNAS, BRENT WEST,  
20 MICHAEL MANN, TYLER BURGERT, CHI  
LOK LEUNG, and BRIAN ROBINSON

21 Joe R. Whatley, Jr.,  
22 WHATLEY DRAKE & KALLAS LLC  
1540 Broadway  
23 37th Floor  
New York, NY 10036  
24 212-447-7070  
25 212-447-7077  
26

1 Alan M. Mansfield  
2 ROSNER & MANSFIELD, LLP  
3 10085 Carroll Canyon Road  
4 First Floor  
5 San Diego , CA 92131  
6 858-348-1005  
7 858-348-1150

8 For Plaintiff Louis Olivos

9 James D. Baskin, III  
10 THE BASKIN LAW FIRM  
11 300 West 6th Street  
12 Suite 1950  
13 Austin, TX 78701  
14 512-381-6300  
15 512 381-6300

16 For Plaintiff Milosz Sielicki

17 Alreen Haeggquist  
18 Helen I. Zeldes  
19 ZELDES & HAEGGQUIST  
20 655 West Broadway, Suite 1410  
21 San Diego, CA 92101  
22 619-955-8218  
23 619-342-7878

24 For Plaintiff National Business Officers  
25 Association, Inc.